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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/904,741

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Ronald G. Brock SR.

058351-010200

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05/13/2009

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EXAMINER

MILEF, ELDA G

ART UNIT

PAPER NUMBER

3692

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DELIVERY MODE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: RONALD G. BROCK, SR.

Appeal No. 2008-5478
Application 09/904,741
Technology Center 3600

Mailed: May 13, 2009

Before DALE M. SHAW, *Chief Appeals Administrator*
SHAW, *Chief Appeals Administrator*.

ORDER REMANDING TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 7, 2008. A Docketing Notice was mailed and Appeal No. 2008-5478 was assigned on September 3, 2008. A review of the application has revealed that the application is not ready for an appeal.

On December 9, 2008, the examiner mailed a supplemental Examiner's Answer to appellants. This supplemental Examiner's Answer introduced a new ground of rejection on claims 6-17 and 51-53. On February 6, 2009, the appellants timely filed a Substitute Brief and an amendment requesting to cancel claims 6-17 and 51-53 for the purposes of the pending appeal in the present case.

Accordingly, it is

ORDERED that the application is remanded to the Examiner to consider the Substitute Brief and amendment in accordance to appellants' February 6, 2009 request.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/eld

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